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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven N. Simon

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10/26/2010

BUCHANAN INGERSOLL & ROONEY, PC

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EXAMINER

LI, GUANG W

ART UNIT

PAPER NUMBER

2478

NOTIFICATION DATE

DELIVERY MODE

10/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/743,756	Applicant(s) SIMON ET AL.	
	Examiner GUANG LI	Art Unit 2478	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: N/A.
 Claim(s) objected to: N/A.
 Claim(s) rejected: 1, 12, 14, 16-17, 27-28, 39, 41, 43-44, 47-48, and 51-57.
 Claim(s) withdrawn from consideration: N/A.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 (See Continuation Sheet).
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Benjamin R Bruckart/
Primary Examiner, Art Unit 2478

Applicant argues following limitations:

A) On page 16 of remark, Applicant argues Peacock fails to teach in attempting to arrive at the features of claim 52, the Office alleged that the client program 137 and computer 130 of Peacock correspond to the client computer as recited in claim 52, and alleged that the server program 117 and workstation 110 of Peacock correspond to the server computer as recited in claim 52.

B) On page 19 of remark, Applicant argues Peacock fails to teach accordingly, Peacock and Pitsos, either individually or in combination, do not disclose or suggest the feature of "searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer," as recited in claim 1.

C) On page 19 of remark respect to claim 54, Applicant argues Peacock fails to the Office acknowledges that Peacock fails to disclose or suggest a "backup search procedure searching an authentication record for the network address of the server computer," as recited in claim 54. Pitsos fails to cure this deficiency

D) On page 20 of remark respect to claims 14, 16, 27, 41, 43, 47 and 51, Applicant argues accordingly, Peacock and Pitsos also fail to disclose the same features of claims 14, 16, 27, 41, 43, 47 and 51, due to their corresponding dependence from claims 1, 17, 28, 44, and 48.

E) On page 22 of remark respect to claims 55-56, Applicant argues at no point does Kulkarni disclose, suggest or contemplate the feature of a client computer performing a backup search to determine whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer, as recited in claim 55.

In response to argument A, Examiner respectfully disagrees with applicant's argument that Peacock fails to teaches or suggest the limitations of attempting to arrive at the feature of claim 52. On the contrary, Peacock teaches server program sends a directed broadcast "forwarding address" packet to the subnet of the previous IP address at step 620. The forwarding address packet includes the hostname of the workstation that the server program is on and the new IP address of the workstation (col.6 lines 63-67). Since the forwarding address packet is broadcast out from the server, it clearly discloses the forwarding address file is store on the server instead of person computer working station 10. In addition, Peacock teaches the forwarding address packet includes the hostname of the workstations of server program and new IP addresses, which stored in the server computer. In addition, Peacock also discloses the personal working station 110 with server program 117 can operate as a server at the personal station. In another word, the server program are located in the personal workstation 110 are consider as client computer as stated in the claim.

In response to argument B, Examiner respectfully disagrees with applicant's argument that Peacock fails to teaches or suggest the limitations of searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer. On the contrary, Peacock teaches the forwarding address packet includes the hostname of the workstation that the server program is on and the new IP address of the workstation. Since the forwarding address include the hostname of the server and new IP address of the workstation as identification of the workstation ID, it is clearly match with the public key that indicate the hostname of the server computer. In the broadest reason of interpretation public key are the Identification of the server computer which is the same as Peacock teaches the hostname of the server. Therefore, the forwarding address is the hostname of the server as the identification of server address.

In response to argument C, Examiner respectfully disagrees with applicant's argument that Peacock fails to teaches or suggest the limitations of backup search procedure searching an authentication record for the network address of the server computer. On the contrary, Peacock teaches if the current IP address is from a different network or subnet than the previous IP address, then the server program sends a directed broadcast "forwarding address" packet to the subnet of the previous IP address at step 620. Since the different networks have the different IP address from the previous IP address, it clearly stated server computers having different network address (Peacock: col.6 lines 63-col.7 lines 1-6). If the forward file indicates the workstation moved to different network, it will automatic updated with new Internet Protocol address from the server computer.

In response to argument D, Examiner respectfully disagrees with applicant's argument. Since the Peacock teaches the missing limitations above. claims 14, 16, 27, 41, 43, 47 and 51, due to their corresponding dependence from claims 1, 17, 28, 44, and 48 are not persuasive as well.

In response to argument E, Examiner respectfully disagrees with applicant's argument that Kulkarni fails to teaches or suggest the limitations of a client computer performing a backup search to determine whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer, as recited in claim 55. On the contrary, Kulkarni teaches the virtual Home Agent address may be implemented in a variety of ways, such as through the use of a loopback address. A loop back address are using to send outgoing signals back to the receiving side for testing purposes test whether is pinging it will return reply or not. In addition, the loopback address allows a network administrator to treat the local machine as if it were a remote machine. Since the loopback address are been use to test whether local machine response or not, the result of reply will shows

whether ping is successful is from the local machine or not. As the ordinary skill in the art, a loopback test and can be performed within a modem by connecting its output to its own input. A circuit between two points in different locations may be tested by applying a test signal on the circuit in one location with the same CPU processor (process by the local processor), and having the network device at the other location send a signal back through the circuit. If this device receives its own signal back, this proves that the circuit is functioning. Claims 56-57 are not allowable based same reason as claim 55.